# IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re: W.R. GRACE & CO., et al.,	)	Chapter 11 Case No. 01-01139 (JKF) (Jointly Administered)			erend source 10 mag 20 mag
Debtors.	)				7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 - 7 -
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#### SUPPLEMENT TO CLAIMANT STATE OF CALIFORNIA, DEPARTMENT OF GENERAL SERVICES' RESPONSE TO DEBTORS' FIFTEENTH OMNIBUS OBJECTION (SUBSTANTIVE) TO ASBESTOS PROPERTY DAMAGE CLAIMS

Claimant State of California, Department of General Services (the "Claimant"), respectfully submits this supplement in further support of its October 24, 2005 response ("Response") to the Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims (the "Fifteenth Omnibus Objection").

After Claimant's service of the Response, Claimant's expert, MVA, Inc. ("MVA"), analyzed three samples taken from one of its buildings located at 2501 Harbor Blvd., Costa Mesa, California (the "Property"), which is subject of Claimant's Claim Nos. 10654 and 10657. Claimant requested MVA to perform a constituent analysis of the samples, the results of which are contained in a November 2, 2005 report by MVA. A true copy of the November 2, 2005 report is attached hereto as Exhibit A.

As the report reflects, the three samples taken from the Property were assigned identification numbers MVA5394-Q1885 (taken from Room 104, SE Corner of the Property), MVA5394-Q1886 (taken from Room 145, SE Corner of the Property), and MVA5394-Q1887 (taken from the Second Floor, S. Hallway between Rooms 222 and 229). See Exhibit A at p. 3. Constituent analyses of the three samples yielded a positive match with the Debtors' Zonolite

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Acoustical Plastic. See id. at p. 4. MVA also conducted a polarized light microscopy analysis,

the results of which demonstrate that the asbestos level of the Property is 15% Chrysotile. See

id. at 6-8, 11.

To the extent that the Debtors will (again) argue that they probably did not manufacture

the acoustical plaster in the Property (Debtors' objection code D-1(C)), the results of the

analyses sufficiently rebuts that speculative contention. Moreover, any objection by the Debtors

that Claimant has failed to provide any documentation reflecting asbestos levels (Debtors'

objection code E-1) is meritless since Claimant has already provided numerous MVA reports

reflecting the asbestos levels in its buildings with its Response and has now provided additional

information concerning such levels.

For the reasons herein and in its Response, Claimant respectfully reiterates its request that

the Court overrule the objections in the Debtors' Fifteenth Omnibus Objection.

Dated: New York, New York November 30, 2005

HAHN & HESSEN LLP

Counsel for Claimant

State of California, Department of General Services

By:

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Report of Results: MVA5394

Constituent Analysis
Fairview Developmental Center
Costa Mesa, CA

Prepared for:

State of California Department of General Services Seismic & Special Programs 707 West 3<sup>rd</sup> Street West Sacramento, CA 95605

Respectfully Submitted by:

Randy Boltin

Senior Research Scientist

Tim B. Vander Wood Executive Director

MVA Scientific Consultants 3300 Breckinridge Boulevard Suite 400 Duluth, GA 30096

2 November 2005



Report of Results: MVA5394

# Constituent Analysis Fairview Developmental Center Costa Mesa, CA

#### Introduction

This report contains the analytical results and their interpretation for three (3) samples of suspected asbestos-containing building materials from Fairview Developmental Center, 2501 Harbor Boulevard, Costa Mesa, CA. The samples were received at MVA Scientific Consultants via Federal Express on 26 October 2005. MVA Scientific Consultants was requested to perform constituent analysis and conduct formula matching on the samples. Assigned MVA sample identifiers, sample descriptions and locations are provided in Table 1. The requested work was conducted over the period of 27 October to 31 October 2005.

The samples were first examined by polarized light microscopy (PLM) including microchemical tests. One sample was further analyzed by scanning electron microscopy (SEM) combined with energy dispersive x-ray spectrometry (EDS), and by analytical electron microscopy (AEM) utilizing EDS and selected area electron diffraction (SAED). Wet chemistry was also performed on this sample to determine an acid soluble weight percent. The results of all analyses and a data interpretation sheet for the samples are included as an appendix to this report.

Product formula matches were derived from comparison between determined sample composition and available product formulas. In any case where more than one product formula matched the determined composition, each match was noted. If no available product formula matched the determined sample composition, a 'no match' was indicated.

#### Results

PLM examination of the three samples revealed that they belong to one group. The results of product formula matching for the samples are found in Table 2. The data on which the matches rely are included on the Data Interpretation page in the appendix.

The samples are a positive match for "Zonolite Acoustical Plastic" manufactured by W.R. Grace and Company.

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Table 1: Sample Descriptions and Locations

# MVA Project No. 5394 Fairview Developmental Center Costa Mesa, CA

Client Sample ID	MVA Sample ID	Description	Location
1	MVA5394-Q1885	Acoustical Ceiling Material	Room 104, SE Corner
2	MVA5394-Q1886	Acoustical Ceiling Material	Room 145, SE Corner
3	MVA5394-Q1887	Acoustical Ceiling Material	2 <sup>ND</sup> floor, S. Hallway Between Rooms 222 & 229

# Table 2: Summary of Results

MVA Project No. 5394 Fairview Developmental Center Costa Mesa, CA

Group 1

Product Formula(s) Matched: "Zonolite Acoustical Plastic"

manufactured by W.R. Grace and Company

Client Sample ID	MVA Sample ID
1	MVA5394-Q1885
2	MVA5394-Q1886
$\bar{\overline{3}}$	MVA5394-Q1887

# APPENDIX

Analytical Results and Interpretation

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#### **MVA Scientific Consultants**

### Data Interpretation

Group: 1

Sample ID: MVA5394-Q1885,-Q1886,-Q1887

Project: State of California

Location: Fairview Developmental Center, 2501 Harbor Blvd., Costa Mesa, CA

Type: Acoustical Ceiling Material

Construction Date: Not Provided

Product Formula Matched: "Zonolite Acoustical Plastic"

Manufacturer: W.R. Grace and Company

Constituent Identified	Estimated Weight Percent (Avg)*
Chrysotile	~15%
Vermiculite	~67%
Montmorillonite	~18%

Comments: Trace/minor amounts of granular minerals, incl. quartz, feldspar, pyroxene and amphibole were detected. A trace amount of asbestiform tremolite-actinolite was detected in sample MVA5394-Q1887. \*Estimated weight percent based on light microscopy in conjunction with acid soluble test result.

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# MVA Scientific Consultants PLM Constituent Analysis

MVA Project No.: 5394

MVA Sample ID: Q1885

Client Sample ID: 1

**Examination using the stereomicroscope:** Tan flaky material with white fibers; an offwhite surface paint layer is present and appears to penetrate ~2 mm into the tan flaky material though the possible presence of a thin layer between the surface paint and the tan flaky material cannot be precluded.

CONSTITUENT	Percent	CONSTITUENT	Percent	CONSTITUENT	Percent
	· · · · · · · · · · · · · · · · · · ·				
Fibers:		Pigment:	. <u> </u>	Fillers:	
Cotton		Binders:		Diatoms	
Fiberglass		Kaolinite (-)		Iron Chromite	
Filament		Montmorillonite (+)	~18 v/v	Iron Oxide	
Wool		Gypsum		Limestone	<u> ≤1 v/v</u>
Mineral Wool		Anhydrite		Magnetite	<1 v/v
Hair		Portland Cement		Mica	
Paper/Wood		Lime (hydrated)		Perlite	
Chem, Proc.		Precipitated		Synthetic Foam	
Mech. Proc.		Carbonate		Pumice	
Synthetic		Starch (-)		Quartz	<1 v/v
Other:		Other:		Talc	
			·	Vermiculite	~67 v/v
	·	1	l	Other:	
		· · · · · · · · · · · · · · · · · · ·			

### Asbestos Minerals

Chrysotile Amosite	~15 v/v	Anthophyllite Crocidolite	Tremolite/ Actinolite
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Comments: Room 104, SE Corner The paint is excluded from the above analysis.

Analyst: Randy Boltin

Notations: Starch and clay stains checked: OK WRB 10/27/05

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Date: 10/27/05

# MVA Scientific Consultants PLM Constituent Analysis

MVA Project No.: 5394

MVA Sample ID: Q1886

Client Sample ID: 2

Examination using the stereomicroscope: Tan flaky material with white fibers; an off-white surface paint layer is present and appears to penetrate ~1 mm or less into the tan flaky material.

CONSTITUENT	Percent	CONSTITUENT	Percent	CONSTITUENT	Percent
Fibers:		Pigment:		Fillers:	4.0
Cotton		Binders:		Diatoms	
Fiberglass	-	Kaolinite (-)	*	Iron Chromite	
Filament		Montmorillonite (*)		Iron Oxide	
Wool		Gypsum		Limestone	<1 <u>v/v</u>
Mineral Wool		Anhydrite	<u> </u>	Magnetite	<1 v/v
Hair		Portland Cement		Mica	
Paper/Wood		Lime (hydrated)		Perlite	
Chem. Proc.		Precipitated		Synthetic Foam	
Mech. Proc.		Carbonate		Pumice	,
Synthetic		Starch (-)		Quartz	**
Other:		Other:		Talc	
				Vermiculite	~83 v/v
		-		Other:	

### Asbestos Minerals

Chrysotile	~15 v/v	Anthophyllite	Tremolite/
Amosite		Crocidolite	Actinolite

Comments: Room 145, SE Corner The paint is excluded from the above analysis.
\*Clay (montmorillonite) may be present and included in the vermiculite percentage but could not be confirmed by PLM. \*\*Quartz + nonasbestiform amphibole and/or pyroxene comprise ~2 v/v of the sample.

Analyst:

Randy Boltin

Date: 10/27/05

Notations:

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#### **MVA Scientific Consultants**

#### TEM EXAMINATION

**MVA PROJECT #:** 5394

Q1886 **MVA SAMPLE #:** 

CLIENT SAMPLE I.D. #: 2

**Equipment/Methods:** 10 ml drop mount of subsample dispersed in 20 ppm methyl cellulose-in-deionized water prepared on a Cu TEM grid; examined at 28,000X magnification for montmorillonite confirmation using a Philips CM120 TEM

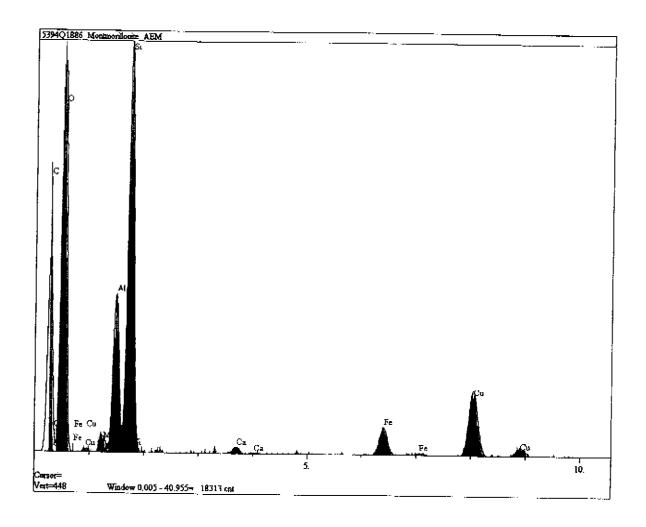
Analysis Results: Presence of montmorillonite confirmed (estimated common/minor in

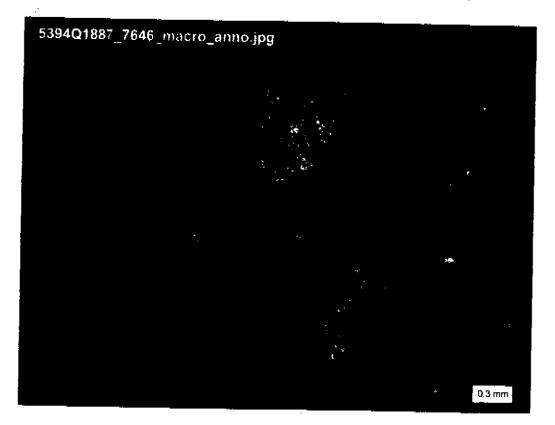
abundance)

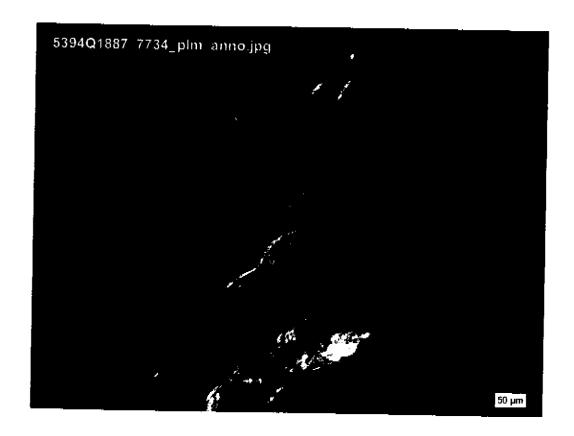
**Date:** 10/31/05 Analyst: Randy Boltin

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Brown Compact Burnings Chamber







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# MVA Scientific Consultants PLM Constituent Analysis

MVA Project No.: 5394

MVA Sample ID: Q1887

Client Sample ID: 3

**Examination using the stereomicroscope:** Tan flaky material with white fibers; an off-white surface paint layer is present and appears to penetrate from <1 mm to between 1 and 2 mm into the tan flaky material.

CONSTITUENT	Percent	CONSTITUENT	Percent	CONSTITUENT	Percent
Fibers:		Pigment:		Fillers:	
Cotton		Binders:		Diatoms	
Fiberglass		Kaolinite (-)		Iron Chromite	
Filament		Montmorillonite (+)	~18 v/v	Iron Oxide	
Wool		Gypsum		Limestone	<1 v/v
Mineral Wool		Anhydrite		Magnetite	<1 v/v
Hair		Portland Cement		Mica	
Paper/Wood		Lime (hydrated)		Perlite	
Chem. Proc.		Precipitated		Synthetic Foam	
Mech. Proc.		Carbonate		Pumice	
Synthetic		Starch (-)		Quartz/Feldspar	<1 v/v
Other:	<u></u> .	Other:		Talc	
				Vermiculite	~67 v/v
				Other:	

#### Asbestos Minerals

Chrysotil Amosite	e~15 v/v	Anthophyllite Crocidolite	Tremolite/ Actinolite
Comment the above		Hallway Between Rms 222 and 229	The paint is excluded from
Analyst: Notations:	Randy Boltin		<b>Date:</b> 10/27/05

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#### **MVA Scientific Consultants**

#### **SEM Constituent Analysis**

MVA Project No.: 5394

MVA Sample ID: Q1887

Client Sample ID: 3

CONSTITUENT	PRESENT	CONSTITUENT	PRESENT
Fibers:		Pigments:	
Glass Mineral Wool Other		Titanium Barium Zinc Other	
Fillers:		Binders:	
Diatoms Fe Particle Mica Perlite Talc (elong) Talc (platy) Si Vermiculite Other-Mg-Si(Platy)	Trace  Trace  Common  Trace	Clay Kaolin Montmorillonite Other Ca Ca-Mg Ca-S Ca-Si Ca-Al-Si Ca-Fe-Al-Si	Trace
Asbestos Minerals:		Mg-Fe Al-Si	
Amosite Anthophyllite Chrysotile Crocidolite Tremolite/Actinolite	Minor	Others	

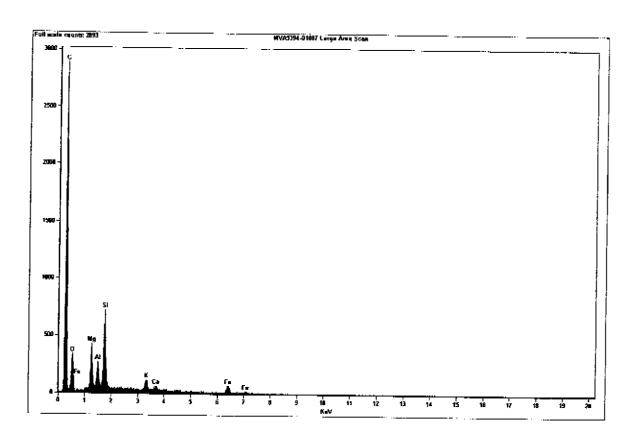
NOTE: Particle identification is based upon consistency of morphology and elemental composition with known references.

Comments:

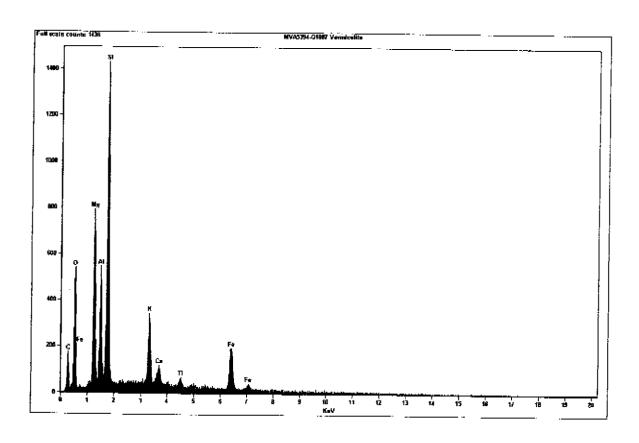
Analyst: Randy Boltin

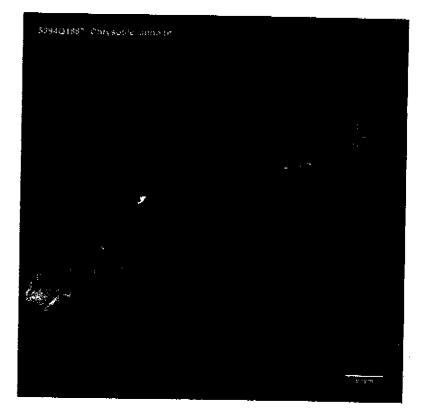
Date: 10/28/05

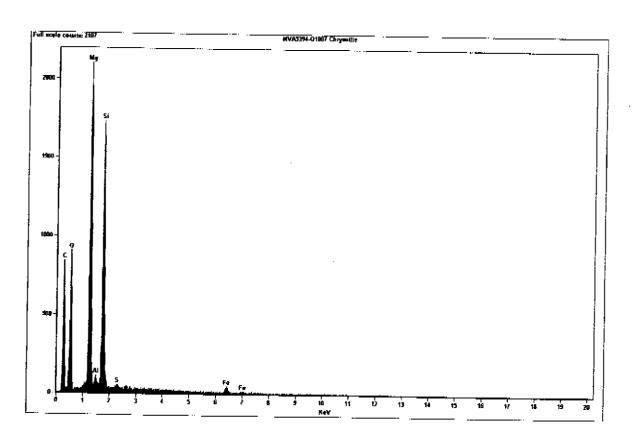




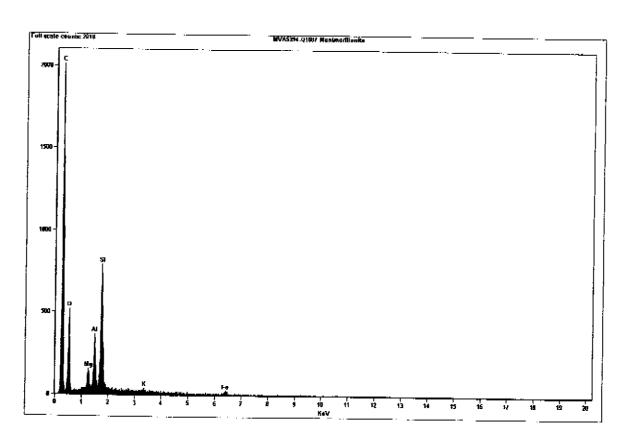


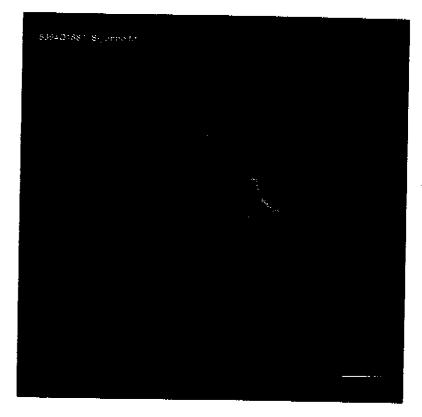


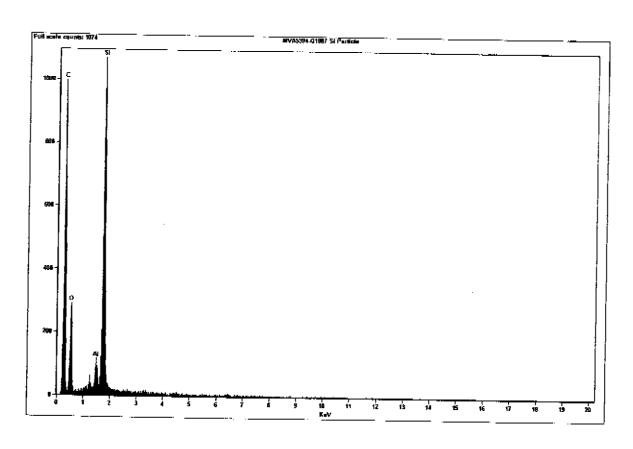


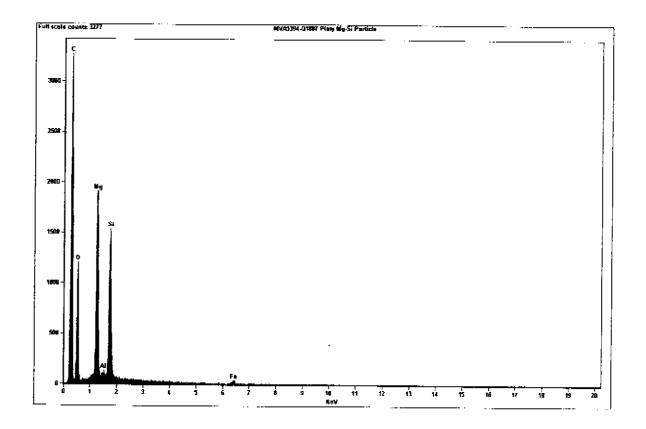












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#### **MVA Scientific Consultants**

### **AEM Constituent Analysis**

MVA Project No.: 5394

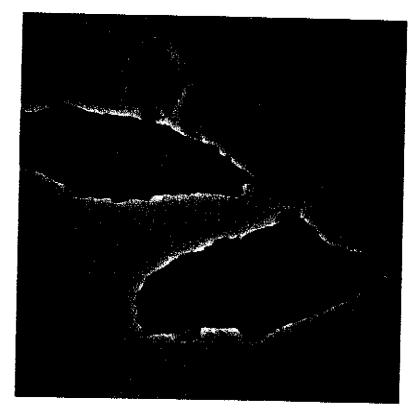
MVA Sample ID: Q1887 Client Sample ID: 3

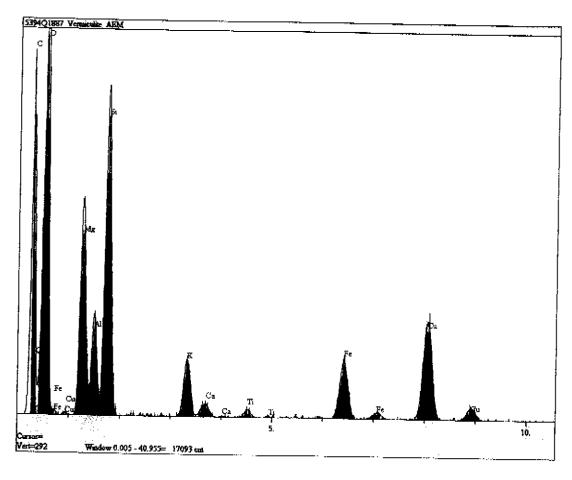
CONSTITUENT	<u>PRESENT</u>	CONSTITUENT	PRESENT
Fibers:		Pigments:	
Glass fibers Others		TiO <sub>2</sub> BaSO <sub>4</sub> ZnS Other	
Fillers:		Binders:	
Diatoms Fe Particle Mica Perlite Talc (elong) Talc (platy) Quartz Vermiculite Other  Asbestos Minerals:  Amosite Anthophyllite Chrysotile Crocidolite	Common	Clay Kaolin (xltn) Kaolin (calc.) Smectite Ca (ppt) Ca (xtln) Ca-Mg, particle Ca-S (ppt) Ca-S (xtln) Ca-Si (ppt) Ca-Si, particle Ca-Al-Si Ca-Fe-Al-Si Mg-Fe, particle Mg-S Si (ppt)	Common
Tremolite/Actinolite		Si (xtln) Others	AAAATA TA

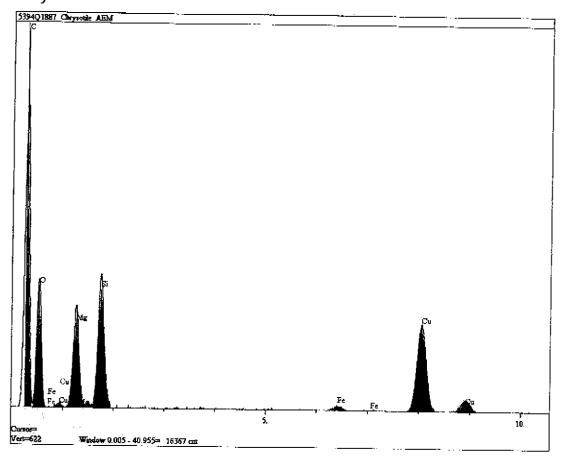
NOTE: Particle identification is based upon consistency of SAED characteristics, elemental composition and morphology with known references.

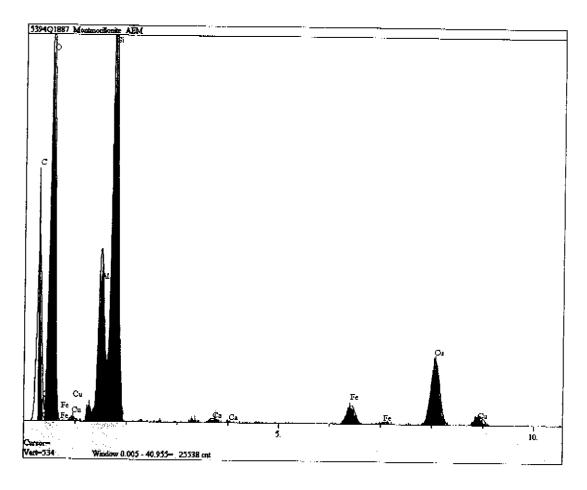
Comments: Smectite properties are consistent with montmorillonite.

Analyst: Randy Boltin/Whitney Hill Date: 10/28/05









#### **MVA Scientific Consultants**

# Acid Soluble Weight Percent Determination

Date: 10/27/05

MVA #: 5394

Sample I.D. #: Q1887

Initial Weights	(in grams)		
<ol> <li>Vial w/lid</li> <li>Vial + Sample</li> <li>Sample Weight (S2-S1)</li> <li>Filter (in container)</li> </ol>	4.21587 4.36490 0.14903 10.05229		
Weights Following Acid Treatment			
<ul><li>5. Filter + Sample</li><li>6. Insoluble Residue (S5-S4)</li></ul>	10.18540 0.13311		

#### Calculation

8. % Soluble (S7/S3) x 100%

Soluble Fraction (\$3-\$6)

11%

0.01592

#### Comments:

Analyst: Randy Boltin

Filter Examination: Common - vermiculite, chrysotile, montmorillonite

Common/Minor – granular minerals (quartz, feldspar, clinopyroxene) (mainly as 3 large sand/small pebble fragments accounting for the main volume of non-fibrous mineral matter)

Trace - cotton/cellulose, asbestiform tremolite/actinolite

WRB 10/29/05

# **MVA Scientific Consultants**

# Acid Soluble Weight Percent Determination

Date: 10/31/05

MVA #: 5394

Sample I.D. #: Q1887

Initial Weights
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# (in grams)

1.	Vial w/lid	4,19335
2.	Vial + Sample	4.28370
3.	Sample Weight (S2-S1)	0.09035
4.	Filter (in container)	10.07975

# Weights Following Acid Treatment

5.	Filter + Sample	10.16816
6.	Insoluble Residue (S5-S4)	0.08841
7.	Soluble Fraction (S3-S6)	0.00194

#### Calculation

8.	% Soluble (S7/S3) x 100%	2%
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Comments: Two relatively large pieces of amphibole are present

Analyst: William L. Turner, Jr.



Chain of Custody Form-Bulk Sampling

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# IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

In re: W.R. GRACE & CO., et al.,  Debtors	) ) ) ) 3. )	Chapter 11 Case No. 01-01139 (JKF) (Jointly Administered)	2005 DEC - 1 AM I
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#### **CERTIFICATE OF SERVICE**

I, Christina J. Kang, hereby certify that on the 30<sup>th</sup> day of November 2005, I caused a copy of the Supplement to Claimant State of California, Department of General Services Response to Debtors' Fifteenth Omnibus Objection (Substantive) to Asbestos Property Damage Claims to be served via e-mail and first class mail to the following:

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Co-Counsel for the Debtors
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mbrowdy@kirkland.com

Laura Davis Jones, Esq.
James E. O'Neill, Esq.
Pachulski, Stang, Ziehl, Young, Jones & Weintraub P.C.
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Christina J. Kang